

REMARKS – General

Claim Objections Overcome by Correction

Examiner correctly objects to applicant's inconsistent description of "flow line" instead of the correct "flexible tube flow line" in part D of claim 15. This has been corrected in this amendment.

Rejection of Claims 15-21 as Failing to Comply with the Enablement Requirement Overcome by Elucidation of Practice Standards

It is clear to one reasonably skilled in the art of intravenous tubing fitments that the "joining" shown in Fig. 1B poses no difficulty with the outlet piece 14(see enclosure 2, Affidavit of Allan P. Bakke). Typically, such outlet fitments are made with a central tube, often barbed, which fits within the central lumen of flexible tube flow line 10. It may or may not have an outer tube which fits over the outer diameter of flexible tube flow line 10. An example of a luer fitment without the outer tube is Value Plastics, Inc. part number MTLL 430 (see drawing enclosure 1). This is a standard, well-known and understood termination for intravenous lines, and would be applied to flexible tube flow line 10 by inserting the barbed end into the central lumen of flexible tube flow line 10. The larger diameter finger grip part of the fitment would cover the ends of the

semi-circular air insulating spaces and the **schematically shown “joining”** of the internal electrical heater segments 16. This “joining” was so described in amendment C in response to examiner’s objections to joining details wrongly included in amendment B. Applicant has been involved in designing such i.v. tubing systems for over 20 years and is confident others even modestly skilled in the art would agree that the outlet piece 14 poses no problem with respect to the “joining” of the internal electrical heater segments 16.

The mechanical and electrical connections are shown **schematically only** to comply with examiner’s objections to details such as use of a wire and soldering. Applicant now respectfully argues that anyone skilled in the art of electrical circuits and wiring would have no difficulty making the electrical and mechanical joining of disposable internal electrical heating elements at outlet end of flexible tube flow line forming a series electrical resistance heater. Also, the words **“Schematic representation”** are added in this amendment to reference numeral 24 to further emphasize that no specific description of the joining is shown.

Objections to the Specification because of New Matter is Overcome by Showing There is No New Matter Introduced

Examiner states "the joining itself is objected to below in the drawings since there was no description to where or how this joining was made in the original filing."

Applicant notes (on detailed action, p.3, Specification) that the matter referred to is "The amendment filed 10/06/06." That was the date of submission of amendment B, whereas the office action responds to applicant's amendment C filed 2/26/07. This would appear to be a harmless typographical error, except that examiner's detailed objection to "the joining itself" refers to the addition to figure 1B of connector wire 24, and its specific details of location, being a single wire, and connection of that wire to heater segments through soldering or spot welding. Connector wire 24 was deleted in amendment C, and replaced with non-specific language for the electrical and mechanical joining of the heater segments at the outlet end of flexible tube flow line. The words "**Schematic representation**" are now added to reference numeral 24 to further emphasize that no specific description of the joining is shown.

Applicant respectfully argues that examiner's objection to "the joining itself...since there was no description to where or how this joining was made in the initial application" is incorrect. In the initial application, page 7, line 3 under "Preferred Embodiment:" "The heaters 16 are ***connected to disposable internal electric heater cable and to each other at the distal end of the air***

insulated patient line forming a series resistance circuit.” (emphasis added). Definitions (Webster’s New World Dictionary, 3rd College Edition, 1991), cited below, clearly show the “where” of the joining in the initial application. Also, the claims of the original application clearly defined the “where” of the joining (current numbering shown here) Claim 15.

D.) said flexible elongated electrical resistance heater segments extending in length from about one half to nine tenths the length of said flexible tube flow line, and **extending all the way to said outlet end of said flexible tube flow line,**

E.) **said flexible elongated electrical resistance heater segments being electrically and mechanically joined together at said outlet end of said flexible tube flow line forming a series electrical resistance heater, (emphasis added)**

Applicant agrees that the details of how the joining is made are not included in the initial filing, and thus they were omitted in amendment C as correctly required by examiner. Fig. 1B of amendment C shows the joining schematically only, and says nothing of a wire or soldering or spot welding. The definitions cited below show clearly that “join” and “connect” are completely synonymous.

Applicant respectfully argues that any person even modestly skilled in electric circuit wiring can easily make such a joining. Applicant has been involved in such medical device development for over 20 years and believes others skilled in the art would readily support this position.

Definitions

“distal” adj. farthest from the center or point of attachment or origin;

terminal: opposed to proximal.

“join” to put or bring together, connect; fasten

“connect” to join or fasten (two things together or one thing with or to another

Objections to the Drawings Overcome

Applicant respectfully points out that Examiner’s objection to connector wire 24 as new material was corrected in amendment C. Connector wire 24 was deleted in amendment C, and replaced with non-specific language for the electrical and mechanical joining of the heater segments at the outlet end of flexible tube flow line. Also, the words “**Schematic representation**” are now added to reference numeral 24 to further emphasize that no specific description of the joining is shown.

Telephonic Interview with Examiner Described

Applicant was granted a telephonic interview with Examiner on 26 July 2007.

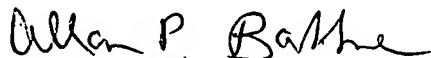
Applicant agreed to correct the minor objection to applicant's inconsistent description of "flow line" instead of the correct "flexible tube flow line" in part D of claim 15. This has been corrected in this amendment.

The 112 enablement rejection was discussed with respect to the "electrically and mechanically joined" section and on the lack of complete disclosure on where the connection and how the connection was made. Applicant and Examiner also discussed their differences in the definition of the term "distal end" with respect to the application at hand. Applicant stated that those types of connections are known and would be obvious to make for one of ordinary skill in the art, and believes "distal end" means farthest from the point of origin or terminal end, according to dictionary definitions. Applicant's assertions are supported by arguments of the remarks section "Rejection of Claims 15-21 as Failing to Comply with the Enablement Requirement Overcome by Elucidation of Practice Standards" above and by enclosure 2, Affidavit of Allan P. Bakke, as well as by enclosure 1, Value Plastics, Inc. manufacturer's drawing of their part number MTLL430, a barbed male luer connector.

Conditional Request for Constructional Assistance

Applicant has amended the specification and claims of this application so that they are proper, definite, and define novel structure which is also unobvious. **If, for any reason, this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to M.P.E.P. paragraphs 2173.02 and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.** This application is approaching 4 years in prosecution, the early part of that period because of poor PTO performance. Applicant, with "special" status for age (67 years), would greatly appreciate the type of assistance emphasized above to advance this application to allowable status.

Very respectfully,



Allan P. Bakke

Applicant Pro Se

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Certificate of Mailing

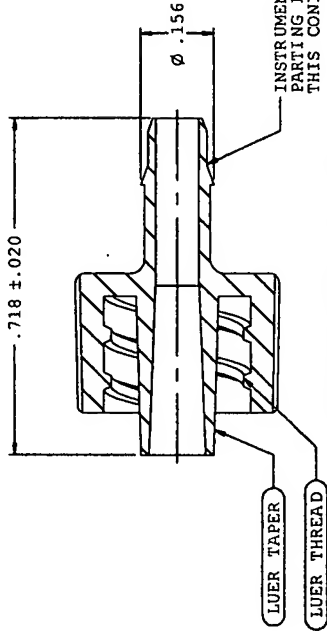
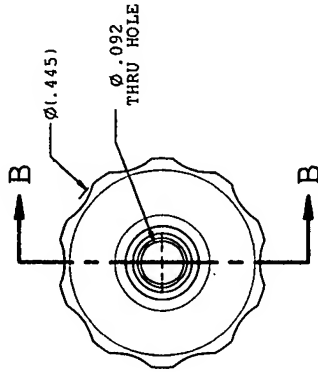
I certify that this correspondence will be deposited with the United States Postal Service as first class mail with proper postage affixed in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on the date below.

Date: August 29, 2007

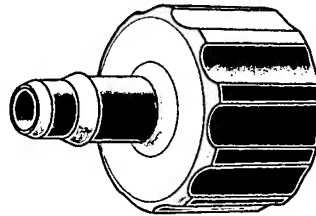
Applicant: Alan P. Ball

NOTE: FOR MORE DETAILS SEE YOUR V.P. CUSTOMER SERVICE REP.

REVISIONS			
REV.	DESCRIPTION	DATE	APPROVED
A	ECO-0046	03-19-02	
B	CO 015 Drafting Update	05-16-05	Rick C.



SECTION B-B



UNLESS OTHERWISE SPECIFIED DIMENSIONS ARE IN INCHES TOLERANCES ARE:		VALUE PLASTICS, INC.	
FRACTIONS	DECIMALS	PART NUMBER:	MTLL4 30
1/16	.0625	DESCRIPTION:	Male Luer Integral Lock Ring to
1/32	.03125		400 Series Barb, 1/8" (3 mm) ID Tubing
3/32	.09375	SIZE:	NTS
1/8	.125	SCALE:	DRAFTING PAPER 1
1/4	.250	REV.	B
3/8	.375	DATE:	1006419
1/2	.500	BY:	1 OF 1
3/4	.750	FRANK LOMBARDI 04-27-05	
1	1.000	Engineer & Designer:	
		Rick Cairns	

FOR REFERENCE ONLY